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INTELLECTUAL PROPERTY  
402-391-4448

August 16, 2005

10328 PINEHURST AVE.  
OMAHA, NEBRASKA 68124

Commissioner for Patents  
Box: 1450  
Alexandria, VA 22313-1450

RE: APPLICATION OF TIWALD TITLED "METHOD OF APPLYING PARAMETRIC  
OSCILLATORS TO MODEL DIELECTRIC FUNCTIONS";  
SERIAL NO. 10/849,729;  
FILE DATE: 05/20/2004;  
ART UNIT: 2857;  
EXAMINER: CHARIOUI, M.

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir;

I am in receipt of the identified Action 08/09/05 Action regarding the identified Application.

Please find enclosed a new submittal.

I also want to just mention that I question if this sort of Action is a good thing for anyone to be spending time doing. I've been at this since the early 1980's, and in recent years see the focus tending away from substance toward formalities, more and more. I feel that is the wrong thing to be doing in the Patent Office. I mean how much time and expense was spent in this matter correcting an extremely minor error that could easily be tended to as a neither here nor there sort of thing in a substantive action. That is my view. Of course I will continue to tend to this sort of thing when required to do so. But it does seem to me to be a use of PTO resources which could be far better allocated. And I know I've far better uses for my time. And as for an argument that I should not make minor mistakes--- I've simply deeper things in my focus when tending to Office Actions. If I focus on making no clerical errors, I will not be doing my real job, in my opinion. Oh well eh?

Sincerely,

JAMES D. WELCH  
JW/hs  
enc.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.

JAMES D. WELCH

8/16/05  
DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

10/849729

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8/2/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the ~~corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.~~ 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: RE: Claim 28

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Paula Britz  
Legal Instruments Examiner (LIE)

571-272-1556  
Telephone No.